

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

RICKY WATTS,

Plaintiff

VS.

BIBB COUNTY, et al.,

Defendants

CASE NO. CV04-B-1106-W

ORDER

On November 2, 2004, the magistrate judge's report and recommendation was entered and the parties were allowed therein fifteen (15) days in which to file objections to the recommendations made by the magistrate judge. No objections have been filed by either the plaintiff or the defendants.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby **ADOPTS** the report of the magistrate judge. The court further **ACCEPTS** the recommendations of the magistrate judge, and it is, therefore,

ORDERED, ADJUDGED and DECREED that defendants' motion to dismiss is due to be and hereby is **GRANTED** as to plaintiff's 42 U.S.C. § 1983 claim asserting a violation of the Eighth Amendment, and plaintiff's Eighth Amendment claim hereby is **DISMISSED WITH PREJUDICE**. The court **DECLINES** to exercise supplemental jurisdiction over the remaining breach of contract claim, in accordance with 28 U.S.C. § 1367; accordingly, that

claim is **DISMISSED WITHOUT PREJUDICE**. The Clerk is **DIRECTED** to **TERM** this action.

DONE this 1st day of December, 2004.

A handwritten signature in black ink, reading "Sharon Lovelace Blackburn". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

SHARON LOVELACE BLACKBURN
UNITED STATES DISTRICT JUDGE

UNITED STATES GOVERNMENT

MEMORANDUM

TO: The Honorable Sharon Lovelace Blackburn
United States District Judge

FROM: Harwell G. Davis, III
United States Magistrate Judge

RE: *Ricky Watts v. Bibb County, et al.*
Case No. CV04-B-1106-W (formerly CV04-HGD-1106-W)

DATE: November 24, 2004

I have prepared for your consideration the attached order dismissing plaintiff's Eighth Amendment claim and declining to exercise supplemental jurisdiction over plaintiff's state law breach of contract claim in this action, in accordance with my report and recommendation.

Please let me know if I can be of any further assistance in this matter.